

UNITED STATES DISTRICT COURT

for

District of Guam

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Francis A. Aguon Case Number: CR 97-00074-001

Name of Sentencing Judicial Officer: John S. Unpingco

Date of Original Sentence: October 14, 1997

Original Offense: Possession with Intent to Distribute Methamphetamine Hydrochloride, in violation of Title 18, United States Code, Section 841(a)(1)

Original Sentence: 108 months imprisonment followed by a five year term of supervised release with conditions to include: participate in a drug treatment and testing; perform 400 hours of community service; obtain and maintain employment; and pay a \$100 special assessment fee. **Conditions modified on March 31, 2005** to include an additional 100 hours of community service under the direction of the U.S. Probation Office at a rate of eight hours weekly. **Revoked on July 20, 2005** and ordered to serve 11 months prison followed by 49 months supervised release with conditions that he: comply with mandatory and standard conditions; participate in drug treatment and testing; refrain from the use of alcohol and submit to testing; obtain and maintain gainful employment; cooperate in the collection of DNA as directed by the probation officer; not commit another federal, state or local crime; not unlawfully possess and refrain from use of a controlled substance; and submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the Court. **On September 29, 2006 conditions were modified** to include six days of intermittent confinement. **On September 4, 2007, supervised release was revoked** and he was sentenced to time served (approximately 7 months) followed by 42 months of supervised release with conditions to include: participate in the Salvation Army Lighthouse Recovery Center's (LRC) six month residential treatment program and obey all rules and regulations set forth by the program; upon completion of the LRC shall participate in substance abuse treatment and testing program approved by the U.S. Probation Office; refrain from the use of alcohol and submit to testing, all alcohol shall be removed from the defendant's residence; obtain and maintain employment; and upon completion of the Salvation Army Lighthouse Recovery Center's Residential Treatment Program, the defendant shall report to the U.S. Probation Office and provide documentation that he is actively seeking employment.

Type of Supervision: Supervised Release Date Supervision Commenced: September 4, 2007

Assistant U.S. Attorney: Karon Johnson Defense Attorney: Richard Arens

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	Failure to participate in the Salvation Army Lighthouse Recovery Center's six month residential treatment program and obey all rules and regulations set forth by the program, in violation of 18 U.S.C. §3583(d).
2	Failure to submit to urinalysis, in violation of 18 U.S.C. §3583(d).
3	Use of a controlled substance, in violation of 18 U.S.C. §3583(d).

U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be
- ☒ revoked.
- ☐ extended for _____ years, for a total term of _____ years.
- ☐ The conditions of supervision should be modified as follows:

***Please see attached Declaration in Support of Petition;
Re: Violations of Supervised Release Conditions, Warrant of Arrest Requested
written by U.S. Probation Officer Grace D. Flores.***

Reviewed by:

I declare under penalty of perjury that the foregoing is true and correct.



/s/ CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader



/s/ GRACE D. FLORES
U.S. Probation Officer

Date: February 5, 2008

Executed on: February 5, 2008

THE COURT ORDERS:

- ☐ No action.
- ☐ The issuance of a warrant.
- ☒ The issuance of a summons. A summons shall issue for February 22, 2008, at 9:00 a.m.
- ☐ Other



/s/ Joaquin V.E. Manibusan, Jr.
U.S. Magistrate Judge
Dated: Feb 13, 2008